

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:13CR202
Plaintiff,)	
)	
vs.)	ORDER
)	
JOSE RUIZ-JIMENEZ,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by defendant Jose Ruiz-Jimenez (Ruiz-Jimenez) (Filing No. 23). Ruiz-Jimenez seeks a continuance of the trial of this matter which is scheduled for July 22, 2013. Ruiz-Jimenez's counsel represents that all counsel of record have no objection to the motion. Upon consideration, the motion will be granted upon the condition Ruiz-Jimenez files the affidavit required by NECrimR 12.1(a) within seven business days of this order.

IT IS ORDERED:

1. Ruiz-Jimenez's motion to continue trial (Filing No. 23) is granted.
2. Trial of this matter is re-scheduled for **August 19, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 15, 2013, and August 19, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 15th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge